

10
CONDESCENDENCE

AND

MEMORIAL

FOR

MacKenzie
HUGH, LORD LOVAT.

CONDENSED

CONDENSED

MEMORIAL

FOR



HUGH

CONDESCENDENCE

O F

INSTANCES, ancient and modern,

Where Titles of Honour and Dignities have descended to Heirs-general, offered by *HUGH* Lord *Lovat*, in the Process presently depending against him, at the Instance of Captain *Simon Fraser* of *Beaufort*.

A N G U S.

MALCOLM Earl of *Angus* was succeeded by *Matilda* his Daughter †, who having married Sir *Gilbert de Umphraville*, the said Sir *Gilbert* thereupon, and his Son after him, both became Earls of *Angus* in her Right *, the one of his Wife, the other of his Mother.

I.

† Cartular. of Arbroth. in Bib. Jur. fol. 53, & 75.

* Peer. of Scot. p. 8. & 9.

S T E W A R T Earl of *Angus*.

The above Family of the *Umphravilles* being forfeited, Sir *John Stewart* of *Buncle* was created Earl of *Angus* by King *Robert I.* Anno 1316 ||; but his Male Issue failing in

II.

! L. Ochiltree's Col. Bib. Jur.

* Peer. of Scot. p. 96.
 & 100. and the Char.
 of Resig. of the Coun-
 tefs of Angus, there
 quoted, as in the Duke
 of Douglas's hands. I-
 tem, Records of Re-
 tours, B. 11. fol. 139.

in his Grandson *Thomas*, his Honours and Estate went thereafter to *Margaret* his Grand-daughter, Sister and Heir to the said *Thomas* her Brother. The said Lady married first *Thomas* Earl of *Mar*, by whom she had no Issue, and thereafter she married *William* first Earl of *Douglas*, by whom she had a Son *George*, who, in her Right, and upon her Resignation, *Anno* 1389, became Earl of *Angus* *.

A T H O L E.

III.

† Cart. of Dunferm.
 fol. 82. Mf. taken from
 the Cart. of Coupar,
 p. 10. in Bib. Jur.

* Chron. of Melross,
 published by Gale, p.
 306.

† Balfour's Col. Tit.
 Athole. in Bib. Jur.

Thomas of *Galloway*, Brother to *Allan* Lord of *Galloway*, was Earl of *Athole* in Right of *Isabel* his Wife, the Heir of the ancient Earls of *Athole* †; and they were succeeded in that Dignity by *Patrick* their Son, who died *Anno* 1342. His Mother's Sister, then Wife to *David de Hastings*, succeeded him in that Earldom *. Her Daughter and Heir by him, whose name was *Ada*, was married to *John de Strathbolgie*, who in Right of her was Earl of *Athole* †. This *John*'s Grandson, *David* Earl of *Athole*, was forfeited by K. *David* II.

S T E W A R T Earl of Athole.

IV.

† Register of the
 Great Seal, B. 52. No.
 88.

John Stewart, Earl of *Athole*, died 1594, leaving only four Daughters, the eldest whereof, *Dorothy*, was married to *William* Earl of *Tullibardine*, whose Son by her, *John* Master of *Tullibardine*, after his Mother's Death, served himself Heir to *John* first Earl of *Athole* of this Line, who was uterine Brother to King *James* II. whereupon his Majesty King *Charles* I. by his Letters-patent †, dated at *Whitehall* 17th *February* 1629, did ratify and confirm the said Service, and admitted him to the Title, Honours and Dignity of Earl of *Athole*, in Terms as strong as can be devised to express his Right as Heir of Line to the said *John*, first Earl of *Athole*, of this Line, uterine Brother to King *James* II.

B O T H-

B O T H W E L L.

Thomas de Moravia, Lord of *Bothwell* and *Panitarinus Scotie*, dying a Hostage in *England* for King *David* Ild's Ransom, left only a Daughter *Jean* his sole Heir, married after his Death to *Archibald* Lord *Galloway*, afterward Earl of *Douglas*, to whom she brought the Honour and Estate of *Bothwell*; for he and his Successors, Earls of *Douglas*, commonly stiled themselves Lords of *Bothwell* †, as they likewise took the Armorial-Bearing of the *Murrays*, Lords of *Bothwell*, and quartered them with the Coat of *Douglas* *.

V.

† Peer of Scot. p. 41. and the Cartul. of Glasgow there cited.

* Ditto Peer. p. 67.

B R E C H I N.

David de Brechin Lord of that Ilk, was succeeded by *Margaret* his Sister and Heir *, who married *David de Barclay*, who in her Right became Lord of *Brechin* †. Sir *David Barclay* Lord of *Brechin*, Son of the former, left a Daughter *Margaret* his Heir, Wife to *Walter* Earl of *Athole*, who was forfeited for the Murder of King *James* I. and notwithstanding he possess the Estate and Honours of *Brechin* by the Courtesy of *Scotland* only, yet they were found to fall under his Forfeiture, and the Lordship of *Brechin* was annexed to the Crown, in prejudice of Sir *Thomas Maul of Panmuir*, who laid Claim to the said Estate and Honours in Right of *Jean* his Grandmother, the Daughter of Sir *David Fleming* of *Biggar* by *Margaret* his Wife, the Sister and Heir of the last mentioned Sir *David Barclay* Lord of *Brechin* *.

VI.

* Peer of Scot. p. 46.

† Ditto Page.

* Peer. of Scot. p. 46. and the Writs there cited, as in the Charterchest of the Family of Panmuir.

B U C H A N.

Fergus Earl of *Buchan* was succeeded in his Earldom by *Margaret* his Daughter and Heir †, who married Sir *William Cuming* Knight, who in Right of his said Wife

VII.

† Chartul. of Arbroth. fol. 81.

B

be-

* Chartul. of Arbroth, fol. 80.

became Earl of *Buchan* *. Her Grandson *John* Earl of *Buchan* was forfeited in the Time of King *Robert I.*

STEWART *Earl of Buchan.*

VIII.

John Stewart, Son to *Robert* Duke of *Albany*, High Chamberlain of *Scotland*, and Constable of *France*, was made Earl of *Buchan* 1408. He was killed at the Battle of *Vernoille* 1424, leaving Issue *Jean* his only Child, who was married to *George* Lord *Seton*, who thereupon assumed the Arms, and laid Claim to the Earldom of *Buchan*; but in lieu thereof King *James II.* settled an Annuity upon the said *George* Lord *Seton* and his Wife, of *L. 40. Sterl. per Annum* †.

† *L. Ochiltree's Col. Tit. Buchan*; and *Leidington's MS. Hist. of the Setons.*

STEWART *Earl of Buchan.*

IX.

Sir James Stewart, second Son of *Sir James Stewart*, called the *Black Knight of Lorn*, was created Earl of *Buchan* Anno 1469, whose Grandson *John* Earl of *Buchan* had Issue *John* his eldest Son, and *James*. *John* was killed at *Pinky*, in the Lifetime of his Father, leaving one Daughter *Christian*, who succeeded her Grandfather in the Dignity and Estate of *Buchan* *, notwithstanding that the said Earl *John* had a Son, *James*; which *James* had two Sons, *James* and *Alexander*, yet none of them ever pretended to claim the Title of Earl of *Buchan*; for in the Records of Chancery there are Retours whereby this *James Stewart*, Son of the said *James*, second Son of *John* Earl of *Buchan*, is served Heir to *James* his Father, and Heir-male to *John* Earl of *Buchan* his Grandfather, to *Alexander* Earl of *Buchan* his Great-grandfather, and to *James* Earl of *Buchan* his Great grandfather's Father, 26th March 1618 †, and is only simply designed *James Stewart*. This *Christian*, Countess of *Buchan*, married *Robert Douglas* Brother to *William* Earl of *Morton*, and by him had *James* Earl of *Buchan* her Son, who by *Margaret*, Daughter of *Walter* Lord *Desford*, had *Mary* his sole Heir, who upon

* Regist. of the Privy Seal Book, beginning 20. Sept. 1563. fol. 44 56, 140. Reg. of Retours, B. 2. fol. 22.

† Regist. Retours. B. 7. fol. 45. &c.

upon his Death, succeeded him in his Estate and Honours †. She married *James*, eldest Son of *John* Earl of *Mar* by *Margaret* his second Wife, Daughter of *Esme* Duke of *Lennox*; upon which Marriage the Right of Succession to the Earldom of *Buchan* was by a Charter under the Great Seal *, dated 22d *March* 1617, proceeding on the Countess's Resignation, limited to the Heirs-male of the said Countess, and *James* her Husband; which failing, to the said *James* his nearest and lawful Heirs whatsoever; by virtue of which Settlement proceeding as above, *David*, formerly Lord *Cardross*, is now Earl of *Buchan*.

† Reg. Retours B. 6. fol. 42. 60. 61. B. 9. fol. 301. Extract of the Decreet of Rank. produced by the Earl of Sutherland.

* Charta in pub. Archivis, B. 48. No. 390.

C A I T H N E S S.

Malisius Earl of *Strathern* having married the Daughter of *Magnus* Earl of *Caithness* and *Orkney*, thereby in Right of his Wife, became likewise Earl of *Caithness* and *Orkney* †.

X.

Lord C A R L I L E.

Michael Lord *Carlile* was succeeded in his Estate and Title by *Elisabeth* his Grandchild, only Daughter and Heir of *Michael* his eldest Son *. This *Elisabeth* Lady *Carlile* married Sir *James Douglas* of *Parkhead*, and had *James* Lord *Carlile* and *Torthorald*, who dying without Issue, no body since has claimed his Honours.

† Balfour and Ochiltry's Coll. in Bib. Jurid.

XI.

Earl of C A R R I C K.

Neil Earl of *Carrick* dying 1250 †, left one Daughter, *Martha*, his sole Heir, who succeeded him in his Earldom *. She married *Robert de Bruce* Lord of *Anuandale*, &c. who in Right of his said Wife, Countess *Martha*, came to be Earl of *Carrick* †. He died *Anno* 1303, having Issue, by his Countess foresaid, *Robert* his Son; who coming to the Crown by the Name of *Robert I.* gave the Earldom of *Carrick* to *Edward* his Brother.

* Regist. Privy-Seal Book, beginning 27th Dec. 1603. Regist. of the Great Seal, B. 44. n. 215. It. Charters in the hands of Carlile of Limekilns.

† Obituary of the Church of Glasgow, in Bib. Jurid.

* Extracta e Chronicis, fol. 128.

† Fordun published by Hearn, p. 776. Extracts out of the Black Book of Paisly, B. 10. cap. 29.

XII.

Lord

Lord D I N G W A L.

XIII.

The late Duke of *Ormond*, at the Election of the sixteen Peers for *Scotland Anno 1710*, laid Claim to the Honour of Lord *Dingwal*, in Right of *Elisabeth* his Grandmother, Daughter and Heir of *Richard* Lord *Dingwal*, and was thereupon received accordingly.

Earl of F I F E.

XIV.

† Peer. of Scot. p. 154.

* Lives of the Officers of State, &c. p. 301. where the Author quotes an Indenture or Contract which he had seen, betwixt *Isobel* Countess of *Fife*, and *Robert* Earl of *Monteith*, dated penult of March 1371.

Duncan Earl of *Fife*, killed at *Durham*, was succeeded in his Earldom by his Daughter and Heir *Isobel* Countess of *Fife* †, who married first Sir *William Ramsay*, next Sir *Thomas Bisset*, and then *Walter* second Son of *K. Robert II.* by neither of whom she had any Issue ; and surviving her last Husband *Walter*, she resigned her Earldom in favours of *Robert* Earl of *Monteith*, reserving to herself an Annuity out of it of *L. 145. Sterling* yearly during her Life *.

Lord G A L L O W A Y.

XV.

† Fordun published by Gale, p. 735. Extracta è Chronicis, fol. 94. Extracts from the Black Book of Paisly B. 8. cap. 74.

Rolland Lord of *Galloway* married *Elena* the Sister of *William Morvile* Constable of *Scotland* ; upon whose Death she became her Brother's sole Heir, not only in his great and opulent Possessions, but likewise in the Office of Constable of *Scotland*, which had been enjoyed heretably by the *Morviles* ; and the said *Rolland* her Husband in her Right enjoyed that great military Office †.

* Matthew Paris, p. 294.

Allan Lord *Galloway* their Son, married first the Daughter of *Hugh de Laci* * ; by whom he had *Helen* his eldest Daughter, married to *Roger de Quinci* Earl of *Winchester*. Secondly, *Margaret*, eldest Daughter of *David* Earl of *Huntington* ; by whom he had *Dornagilla*, married to *John Baliol*, and *Margaret* to *William de Fortibus* Earl of *Albemarle* ; yet upon his Death, *Anno 1233*, his vast Estate was shared among his Daughters, and his Office of Constable went to his eldest Daughter and the Earl of *Winchester* her Husband, although *Patrick* Earl of *Athole* his Brother's Son was then alive.

G O R-

G O R D O N.

Adam Lord *Gordon*, killed at *Homildon* Anno 1401, was succeeded in the Lordship of *Gordon*, &c. * by *Elisabeth* his Daughter and sole Heir, married 1408 to *Alexander Seton*, Son to the Lord *Seton*, who in her Right was Lord of *Gordon*, though he retained the Surname of *Seton*. Their Son *Alexander* designs himself in Charters, *Filius & Hæres quondam Domine Elisabethæ Gordon Domine de eodem* †.

XVI.

* In Registro, Roll. 11. No. 32.

† Charta in publicis Archivis, L. 3. No. 176.

Lord *HALIBURTON* of *Dirleton*.

Patrick Lord *Dirleton* dying without Male Issue, the Arms and Title of Lord *Dirleton* were assumed and carried by *William* Lord *Ruthven*, thereafter Earl of *Gowrie*, in Right of *Janet* his Grandmother, eldest Daughter of the said *Patrick* Lord *Haliburton* of *Dirleton* *.

XVII.

* In Registro, B. 35. No. 546. Peerage of Scotland, p. 165.

Lord *HERRIES*.

William Lord *Herries*, who died Anno 1543, left Issue three Daughters only; the eldest whereof, *Agnes*, was married to Sir *John Maxwell* †, Son of *Robert* Lord *Maxwell*, who in Right of his Wife was summoned to Parliament, and sat therein, 16th April 1567, as Lord *Herries* *. Here 'tis proper to notice, that *William* Lord *Herries* had an Heir-male, viz. *Archibald Herries* of *Maddinprap*, for he is so designed in a Charter, 17th August 1561 †; from whence it would appear, that he did not think himself entitled to the Honours of Lord *Herries*, as Heir-male of that Family.

XVIII.

† Charta in publicis Archivis, dated 1st February 1549.

* Records of Parliament 1567, and Chalmers of Ormond.

† In publicis Archivis, B. 32. No. 338.

LENOX.

Donald Earl of *Lenox* having no Male Issue, the Earldom devolved on *Margaret* his Daughter and Heir, who married

XIX.

* Register of Charters belonging to the Burgh of Dumbarton.

† In the hands of Mr Matthew Crawford, Professor of Church-History in the College of Edinburgh.

married *Walter* Lord of *Foscelen* *: They had a Son, *Duncan*, after their Death Earl of *Lenox*. This *Duncan* had three Daughters, first *Isabel*, married to *Murdoch* Duke of *Albany*, *Margaret* to *Robert Monteith* of *Ruskie*, and *Elisabeth* to *John* Lord *Darnly*; he was forfeited with his Son-in-law the Duke of *Albany*, and execute at *Stirling* 1425; yet his Daughter *Isabel*, Duchess of *Albany*, in a Charter†, dated *Inchmuryne*, 18th May 1451, whereby she mortifies some Lands to the Friars, Preachers of *Glasgow*, designs herself *Ducissa de Albany*, & *Comitissa de Lenox*; which shews that she thought herself entitled to the Dignity of *Lenox*, to which she would have had good Right, had it not been for the Forfeiture of her Father, which no doubt she looked upon to be unjust.

* Writs in the hands of Mr Patrick Haldane Advocate.

In the Reign of King *James III.* there arose a Controversy between *John* Lord *Darnly*, Grandson of *Elisabeth*, Daughter of *Duncan* Earl of *Lenox*, and *Agnes Monteith*, Lady *Gleneagles*, lineal Heir of *Margaret*, the said Earl's other Daughter, concerning the Superiority and Lands of the Earldom of *Lenox*; which being settled Anno 1477 *, thereafter *John* Lord *Darnly*, about the Year 1483, assumed the Title of Earl of *Lenox*, no doubt in Right of his Descent from *Duncan* Earl of *Lenox*, whose Forfeiture, as would appear, had been taken off.

M A R.

XX.

Thomas Earl of *Mar* having died issueless, Anno 1379, he was succeeded in Estate and Honours by *Margaret* his Sister, who married *James* Earl of *Douglas*; who thereupon stiled himself Earl of *Douglas* and *Mar*, as appears from many Charters, wherein he is mentioned under that Designation, in the public Records †: Their Son, *James* Earl of *Douglas* and *Mar*, being killed at *Osterburn*, 1388, without Issue, the Earldom of *Mar* went to *Isabel Douglas*, his Sister-german; who in a Charter, dated 12th August 1404, disposes the Earldom of *Mar* to *Alexander Stewart*,

† Viz. Carta 91. Rotull. 4. Roberti II. Carta 105. Rotull. 3. Rob. II. and 114. Rotull. 4. Rob. II. &c.

Stewart, Son to the Earl of *Buchan*, *causa contractus matrimonii inter eundem Alexandrum*, as she in the Charter says, *& nos conferrent* *; in which she designs herself Countess of *Mar*: And it is remarkable, that the Clerk Register requir'd a Transumpt of this Charter in Behalf of the King. This *Alexander*, in Right of the Countess his Wife, was Earl of *Mar*; and is to be found mentioned under that Designation, as a Plenipotentiary from *Scotland* to treat with the *English* about Peace †. But he and his Countess having died without Issue, *Robert Lord Erskine*, lineal Heir of *Helen* Daughter of *Gratney*, and Sister of *Donald* Earl of *Mar*, served himself Heir, *Anno* 1438, to *Isabel Douglas* Countess of *Mar* his Cousin, and thereupon assumed the Title of Earl of *Mar*, *Anno* 1444 *: But the Ministry, in the Minority of King *James II.* intended a Process against him, in reference to his Right to that Earldom; and in 1457, a Sentence was given against his Son *Thomas Lord Erskine*: But long afterwards, in the Year 1565, *Queen Mary* restored the Earldom of *Mar* to *John Lord Erskine* by Way of Justice †. And in the Parliament 1587, there is an Act ratifying the haill Rights, Titles, &c. made to *John* Earl of *Mar*, and his Predecessors, of the Earldom of *Mar*, as Heir by Progress to Dame *Isabel Douglas* Countess of *Mar* *.

* In publicis Archivis, B. 8. No. 238.

† Rymer's Foedera, ad Annum 1406.

* In Registro, B. 2. No. 130.

† In Registro, B. 32. No. 501.

* Records of Parliament, ad Annum 1587.

M O N T E I T H.

Sir *William Cuming* became Earl of *Monteith* by the Marriage of the Daughter and Heir of *Gilchrist* Earl of *Monteith* *. The said *Walter Cuming* dying likewise without male Issue by his Countess, their Daughter and Heir married Sir *Walter Stewart*, who was also thereby Earl of *Monteith* †.

Murdoch Earl of *Monteith*, slain at *Halidonhill* 1333, was succeeded by *Mary* the Daughter of his Brother *Allan*, married to Sir *John Graham*, in her Right Earl of *Monteith* *, and who by her had only one Daughter, *Margaret*, his sole Heir, who was the Wife of *Robert* second Son of

XXI.

* Peerage of Scotland, p. 329.

† Ditto Peerage, p. 330.

* Ditto Peerage, p. ibid.

of King *Robert II.* who thereon was Earl of *Monteith*, and afterward by his Brother King *Robert III.* made Duke of *Albany* *.

* Peer. of Scot. p. 130.

M U R R A Y.

XXII.

John Earl of *Murray* was killed at the Battle of *Durham* 1346, leaving no Issue, his Estate and Honours devolving on *Agnes* Countess of *March* his Sister; in whose Right, and by the Courtesy of *Scotland*, *Patrick* Earl of *March* her Husband designed himself also Earl of *Murray* †.

† Sir Ja. Dalrymple's Coll. p. 345. Peer. p. 355. and a Charter in the hands of Mr Crawford Prof. of Church History.

James Dunbar Earl of *Murray* died, leaving two Daughters, *Janet*, married to *James* Son to the Lord *Crichton*, and *Marion* the younger, to *Archibald* Brother to the Earl of *Douglas*, who obtained the Earldom of *Murray* (tho' the Dignity, according to Law, should have gone to *Janet* the elder Sister.) This is mentioned by *Buchanan*, and our other Historians, as an Instance of the too prevalent Power and Interest of the *Douglasses* at that Time: Yet *Janet* the elder Sister assumed the Title of Countess of *Murray*, as appears by a Charter granted by her, dated 8th November 1454 *.

* Cart. of Dunfermline, fol. 50.

N I T H S D A L E.

XXIII.

Henry Sinclair Earl of *Orkney* married *Giles* Daughter to *William Douglas* Lord of *Nithsdale*, and thereupon became Lord of *Nithsdale*; to which Lordship their Son *William* likewise succeeded in Right of his Mother: But in 1556 he resigned the same, in lieu of which he obtained from the King a Grant of the Earldom of *Caithness* †.

† Deposition of Mr Rich. Hay in Process, and the Writs therein mentioned.

O L I P H A N T.

XXIV.

This Family affords a notable Instance of the Right of an Heir-female to succeed to a Dignity preferably to an Heir-

Heir male in a remoter Degree ; as may be seen by the famous Decision, 11th July 1633, *Oliphant contra Oliphant*.

O R K N E Y.

Malise, Earl of *Strathern*, became likewise Earl of *Orkney* and *Caithness*, as is already observed in the Instance of *Caithness*, by marrying the Daughter of *Magnus* the Earl of those Countries ; and afterwards resigned the Earldom of *Orkney* in favours of *William Sinclair* Lord of *Roslin*, and *Elisabeth* his Wife, Daughter to the said *Malise* †.

XXV.

† L. Ochiltree's Col. Bib. Jurid.

R O S S.

William Earl of *Ross* left only two Daughters, the eldest whereof, *Eupham*, succeeded him * in his Estate and Honours, though he had a Brother, *Hugh*, Ancestor of the House of *Balnagown* †. The said Countess, *Eupham*, married Sir *Walter Lesly*, and by him had Issue, *Alexander Lesly*, Earl of *Ross*, and a Daughter, *Eupham*, married to *Donald* Lord of the *Isles* *. This last Earl, *Alexander*, married *Eupham*, Daughter of *Robert* Duke of *Albany*, by whom he had only a Daughter, *Eupham*, who was prevailed upon to resign the Earldom of *Ross* in favours of *John* Earl of *Buchan*, the Duke of *Albany*'s second Son : *Donald*, Lord of the *Isles*, quarrelling this Resignation, as elicite from her by undue Means, in prejudice of his Wife, who was Sister to Countess *Eupham*'s Father, and nearest Heir of the *Leslies* Earls of *Ross* ; but finding all fair Means in obtaining Justice from the Governor ineffectual, he, by Force of Arms, put himself in Possession of the Lands of the Earldom, and assumed the Title of Earl, having defeated the Earl of *Mar*, who was sent to oppose him, in a bloody Conflict at *Harlaw*, Anno 1411 † ; and from thenceforth had Possession of the Country of *Ross*, and used the Title of Earl, as did also his Son *Alexander* in Right of his

XXVI.

* Charters in the Records, ROB. II.

† Peerage, p. 425. and a Charter there cited, as in the Author's hands.

* Peerage, p. ditto.

† Buchanan, published by Freebairn, p. 182.

D

Mother ;

Mother; for under that Designation he sits upon the As-
 † *Extracta è Chronicis.* size of *Murdoch Duke of Albany* †.

S A L T O N.

XXVII.

* Register of Retours,
 B. 30. fol. 1.

† Records of Parlia-
 ment ad Annum 1670.

* Nisbet's Heraldry.

Alexander Lord Abernethy of Salton dying without Issue 1669, *Alexander Frazer of Philorth*, Son and Heir of *Alexander Frazer of Philorth*, and of *Margaret Abernethy*, Daughter to *George Lord Abernethy of Salton*, served himself Heir of Line to *George Lord Salton*, his Grandfather, 14th *April* 1670 *, and thereupon took on the Title of *Lord Salton*; and his Majesty King *Charles II.* by his Letters-patent, dated at *Whitehall* the 11th of *July* 1670, ratified and approved his said Service, and his using and taking upon him as Heir of Line, and next in Blood, and lineally descended of the said Family of *Salton*, the Title, Dignity and Rank thereof; which Letters-patent are ratified in Parliament the 22d of *July* thereafter †, The Heir-male of this Family was *Abernethy of Auchloich*, and the Family is yet extant, but now designated of *Mayen* *.

S E M P L E.

XXVIII.

Francis Lord Semple, dying without Issue, Anno 1684, his Dignity, as well as Estate came to *Anna Lady Semple*, his eldest Sister, Wife of *Francis Abercromby of Fetternear*, created *Lord Glasford* by King *James VII.* whose Son is *Hugh* the present *Lord Semple*.

S T R A T H E R N.

XXIX.

King *Robert II.* created *David* (his eldest Son by his second Wife) Earl of *Strathern*. He was succeeded in Estate and Dignity by *Eupham Countess of Strathern* his only

only Child †, who was designed *Comitissa Palatina de Strathern* *. She married Sir *Patrick Graham*, who thereupon assumed the Title of *Earl Palatine of Strathern* †. The said Countess *Eupham* was succeeded by *Malise* her Son, who under the Designation of Earl of *Strathern* is one of the Hostages for the Ransom of King *James I.* 1423 *.

In the Year 1630, *William* Earl of *Monteith* was served nearest Heir of Blood to *Eupham* Countess of *Strathern*, and to *David* Earl of *Strathern* her Father †, whereupon King *Charles I.* by his Letters-patent, dated at *Oatlands* last of *July* 1631, ratified and approved the foresaid Service, and the Title of Earl of *Strathern* to the said *William* Earl of *Monteith*, as nearest Heir of Blood to *David* Earl of *Strathern* his Predecessor: But the Earl of *Strathern*'s Service was afterwards quarrelled for Reasons of State, and was reduced at the King's Instance, upon the Ground that *David* Earl of *Strathern* died without Children. It is well known with how much Earnestness that Reduction was pursued, and was occasioned by a Mistake in our Historians concerning King *Robert II.*'s Marriages and Children, now exploded: So the Decision proceeded on an Error of Fact, which was the more to have been avoided because of the many Charters extant, testifying the contrary.

† Charter among the Writs of the Family of Keir.

* Peerage of Scotland, p. 468.

† Charters in the hands of Mr Crawford Professor of Church History in the College of Edinburgh.

* Rymer's Fœdera.

† Register of Retours, B. 10. fol. 364.

S U T H E R L A N D.

Elisabeth having been served Heir to *John* Earl of *Sutherland* her Brother, who died without Issue, 1512; *Adam Gordon of Aboyne*, Son of *George*, second Earl of *Huntly*, with whom she was at that Time married, does thereupon assume the Title of Earl of *Sutherland*, *ratione curialitatis*. They were afterwards succeeded by *John* their Grandson, in favours of whose Father, *Alexander* Master of *Sutherland*, (but who died before themselves) the said Countess *Elisabeth* had formerly, Anno 1557, resigned the said Earldom *.

XXX.

* Sir David Dalrymple's Information for the Earl of *Sutherland* contra Earl of *Crawford*.

B U R.

B U R L I E.

XXXI.

† Memorial of the Evidence of Rights produced before the Commissioners nam'd by the King, anent the Precedency of the Nobility.

Sir *Michael Ealfour* of *Balgarvie* was created Lord *Burley* 16th July, in the Year 1607, without any Mention of his Heirs in his Patent or Creation †: And he having died without Heirs male, his Daughter *Anne* succeeded him in his Honours, and by *Robert Arnot* of *Newtown* her Husband had *John* next Lord *Burley*.

The Dignity of Lord Baron, in *Scotland*, not conferred by Letters-patent (of which Sort are all our Lord Barons before the Time of King *James VI.*) having so near a Resemblance to the Baronies in *England* constituted by Writ of Summons of Parliament, it may not be amiss to give some Instances of Baronies, by Writ in *England*, that are enjoyed by Heirs Female, or in Right of Descent from them, * *viz.*

* *Vide Dugdale's Baronage of England and his Summons to Parliament, and Dale's Catalogue of the Nobility of England.*

Howard Duke of *Norfolk*, Baron *Moubray* by Summons, in Right of Descent from an Heiress of *Moubray* Duke of *Norfolk* and Baron *Moubray*, *Somerſet* Duke of *Beaufort*, Baron *Herbert* by Summons, upon having married the Heiress of *Herbert* Earl of *Huntington*, and Baron *Herbert Stanley* Earl of *Derby*, Baron *Strange* of *Knockin* by Summons, upon having married an Heiress of the Baron *Strange* of *Knockin*.

Manners Duke of *Rutland*, Baron *Roos* of *Hamlake*, by Summons, in Right of Descent from an Heiress of the Baron *Roos* of *Hamlake*.

Hastings Earl of *Huntington*, Baron *Hungerford* by Summons, upon having married an Heiress of the Baron *Hungerford*.

Clinton Earl of *Lincoln*, Baron *Clinton* by Writ, and Baron *Say* by Summons, in Right of Descent from an Heiress of the Baron *Say*.

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Fortescue Baron *Clinton*, who had that Honour lately allowed him in Right of Descent from an Heir-female of the Earl of *Lincoln* and Baron *Clinton*.

Fane Earl of *Westmorland*, Baron *le Dispenser* by Descent, through an Heiress of *Nevil* Baron *Bargavenny*, who married the Heiress of *Beauchamp*, Baron *Bargavenny*, to whom the Title of *le Dispenser* came, from an Heiress of *Spenser* Earl of *Gloucester*, and Baron *le Dispenser*.

Bertie Duke of *Ancafter*, Baron *Willoughby* of *Eresby* by Summons, in Right of Descent from an Heiress of the Baron *Willoughby* of *Eresby*.

Tuften Earl of *Thanet*, Baron *Clifford*, in Right of Descent from an Heiress of *Clifford*, Earl of *Cumberland* and Baron *Clifford*.

Lennard Earl of *Suffex*, Baron *Dacres*, in Right of Descent from an Heiress of *Fienes*, to whom the Title descended by another Heiress from the Baron *Dacres*.

Bertie Earl of *Abingdon*, Baron *Norris*, in Right of Descent from an Heiress of the Baron *Norris*.

Darcy Earl of *Holderness*, Baron *Conyers*, in Right of Descent from an Heiress of the Baron *Conyers*.

Windsor Hickman Earl of *Plymouth*, Baron *Windsor* by Summons, in Right of Descent from an Heiress of the Baron *Windsor*.

Stafford Howard Earl of *Stafford*, Baron *Stafford*, in Right of Descent from an Heiress of the Baron *Stafford*.

Fienes Viscount *Say and Seal*, Baron *Say and Seal* by Summons, in Right of Descent from an Heiress of the Baron *Say*.

Yelverton Viscount *Longueville*, Baron *Grey* of *Ruthen*, in Right of Descent from an Heiress of *Longueville*, to whom the Title descended by another Heiress from *Grey* Earl of *Kent*, and Baron *Grey* of *Ruthen*.

Nevil Baron of *Bergavenny*, by Possession of the Castle of *Bergavenny* and Summons, upon marrying an Heiress of *Beauchamp*, Baron of *Bergavenny*, to whom this Title

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came from *Hastings* Earl of *Pembroke*, whose Ancestor had *Bergavenny* by an Heiress of *Cantilupe*, to whom it descended by another Heiress from *Marshal* Earl of *Pembroke*, who came to it by an Heiress of *Brasse*, who likewise had it from *Bruere* by another Heiress.

Touchet Baron *Audley* by Summons, in Right of Descent from an Heiress of the Baron *Audley*.

West Baron *la Warr* by Summons, in Right of Descent from an Heiress of the Baron *la Warr*.

Parker Baron *Morley* by Summons, in Right of Descent from an Heiress of *Lovel*, to whom the Title descended from the Baron *Morley*; and also Baron *Monteagle* by Summons, in Right of Descent from an Heiress of *Stanley* Baron *Monteagle*.

Shirley Baron *Ferrers* by Summons, in Right of Descent from an Heiress of *Devereux* Earl of *Essex* and Baron *Ferrers*, whose Ancestor had the Title, upon Marriage of another Heiress of the Baron *Ferrers*, antiently Earls of *Derby*.

Mildmay Baron *Fitzwalter* by Summons, in Right of Descent from an Heiress of *Radcliff* Earl of *Suffex* and Baron *Fitzwalter*, to whom the Title came by Descent from an Heiress of the Baron *Fitzwalter*.

Ward Baron *Dudley*, and Baron *Ward* of *Birmingham*, Baron *Dudley*, in Right of Descent from *Frances* Baroness *Dudley*.

Verney Baron *Willoughby* of *Broke* by Summons, in Right of Descent, through an Heiress of *Grevile*, from Sir *Robert Willoughby*, Knight of the Garter, Baron of *Broke*.

Katharine Baroness *Clifton* of *Leighton Bromswould* was allowed Baroness by Descent, 1674, originally by Writ of Summons to Parliament, 9th July 1608.

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In the last Place, If the Settlements of the Estate of *Lovat* can have any Influence upon the Succession to the Dignity, as Captain *Simon Frazer* insists they should, this Argument is with the Lord *Lovat*; for as 'tis certain that this Peerage was very antient before the 14th Century, so there are several Writs produced that instruct that the *Frazers* were Lords of the *Lovat* in the 1416, and in the 1422*; and all the Settlements of the Estate, from that Period, downward to the 1539 and 1540, were to Heirs whatsoever; which will clearly appear from several Charters and Sasines, and other authentic Writs belonging to the Defender, ready to be produced in Court: Which, as far as an Argument of this sort can go, proves that the Honours were to descend in the same manner to Heirs whatsoever, and not to Heirs-male. And though the Settlements of the Estate from the 1540 are for the most part in favours of Heirs-male, yet for certain this could not alter the Rules of Succession with respect to the Dignity, especially that during that Period, while the Succession of the Estate was settled on Heirs-male, no Instance occurred where the Heir-male was not also Heir of Line; which seems to have been the Motive that induced the Proprietors of the Estate to settle the same upon Heirs-male. The Heirs-male that they had in View were also their Heirs of Line; but as soon as there came to be the least Prospect, that the Heir-male was to be a different Person from the Heir of Line, the Settlements of the Estate were again returned † to their former Channel, and the Estate was settled upon the Heirs of Line.

* *Vide Contract of Marriage betwixt William Fenton Lord of that Ilk and Janet his Sister, and Hugh Frazer Lord of Lovat, dated the 3d March 1416, confirmed by James K. of Scots in the 1459; and Contract of Marriage betwixt Thomas Dunbar Earl of Murray and Hugh Frazer Lord of the Lovat, dated 9th August 1422.*

† *Vide Sasine Mrs. Anne Frazer, as Heir to her Father Lord Lovat, in the Lordship and Barony of Lovat, dated 1666; as also, Charter to Hugh Lord Lovat, ratifying his Marriage-settlement, to be found Regist. 14. p. 13. dated 3d Februaay 1694.*

3d JULY
1729.

1870

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To the Hon. Secy of the Interior
Washington D.C.

I have the honor to acknowledge
the receipt of your letter of the 10th inst.

and in reply to inform you that
the same has been forwarded to the proper
authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,

Wm. H. Hunt
Chief Clerk of the Interior



